



U.S. Department of Justice

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January 22, 2024

Via ECF and Email

The Honorable Georgette Castner, U.S.D.J.
U.S. District Court for the District of New Jersey
Clarkson S. Fisher Building & U.S. Courthouse
402 East State Street Room 2020
Trenton, NJ 08608

It is so ordered this 24th day
of January, 20 24

Georgette Castner, U.S.D.J.

Re: United States v. Juan Carlos Serrano-Montes, Crim. No. 22-594 (GC)

Dear Judge Castner:

In December 2023, defendant Juan Carlos Serrano-Montes ("Serrano-Montes") filed a *pro se* motion to reduce his sentence pursuant to 18 U.S.C. § 3582(c)(2). ECF No. 22. The Court previously granted the Government's request to file a response by January 22, 2024. ECF No. 23.

The Government recently discussed Serrano-Montes' motion with the Office of the Federal Public Defender ("FPD"). Although Serrano-Montes did not cite to it in his motion, the FPD believes that Serrano-Montes may be eligible for a retroactive reduction under Amendment 821 because he appears to meet the requirements of U.S.S.G. § 4C1.1. However, the FPD needs Serrano-Montes' consent to proceed on his behalf, which apparently may take several weeks to obtain. After that time, the FPD and Government will determine whether to enter into a stipulation concerning the pending motion.

It does not appear that Serrano-Montes will be prejudiced by this extension. Serrano-Montes' current release date is December 22, 2024. If he is, in fact, eligible for a retroactive reduction under Amendment 821 because he meets the requirements of U.S.S.G. § 4C1.1, he may receive a six-month reduction in his sentence.¹ Therefore, even if Serrano-Montes is eligible, he will not be immediately released.

¹ Moreover, the Court may not order a reduced term of imprisonment based on Amendment 821 "unless the effective date of the order is February 1, 2024, or later." Standing Order 23-04; *see also* Notice of final action regarding retroactive application of Parts A and B, Subpart 1 of Amendment 821 (Amendment 8 of the amendments

For the reasons set forth above, the Government respectfully requests an extension of time until February 26, 2024 to respond to the instant motion.

Respectfully Submitted,
PHILIP R. SELLINGER
UNITED STATES ATTORNEY

/s/ Mark Pesce

MARK J. PESCE
Assistant U.S. Attorney

submitted to Congress on April 27, 2023), pertaining to criminal history, 88 Fed. Reg. 169, 60535 (Sept. 1, 2023).